



ANNO NONO

GEORGII V REGIS.

A.D. 1918.

No. 1346.

An Act to amend the Discharged Soldiers Settlement Act, 1917, and for other purposes.

[*Assented to, December 5th, 1918.*]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited alone as the "Discharged Soldiers Settlement Act Amendment Act, 1918." Short titles.

(2) The Discharged Soldiers Settlement Act, 1917, (hereinafter called "the principal Act"), and this Act, may be cited together as the "Discharged Soldiers Settlement Acts, 1917 and 1918." No. 1313 of 1917.

2. This Act is incorporated with the principal Act and the Acts with which that Act is incorporated, and all the said Acts and this Act shall be read as one Act. Incorporation with other Acts.

Amendments.

3. Section 8 of the principal Act is hereby repealed. Repeal of section 8 of principal Act.

4. Subsection (1) of section 9 of the principal Act is hereby repealed, and the following provision is substituted therefor:— Amendment of *ibid.*, s. 9—

(1) The land set apart under section 6 shall, if in the opinion of the Land Board the area thereof is too large to be allotted as a separate holding, be subdivided into such blocks as the Land Board, with the approval of the Minister, determines. Subdivision of land set apart for soldiers.

5. Subdivision

Discharged Soldiers Settlement Act Amendment Act.—1918.

Amendment of *ibid.*,
s. 11—

Power to make
advances to dis-
charged soldiers
farming on shares.

5. Subdivision (b) of subsection (2) of section 11 of the principal Act is amended by inserting therein after the word "agreement" the words "having at least three years to run."

Amendment of *ibid.*,
s. 12—

Minister may remit
rent or purchase-
money.

6. Section 12 of the principal Act is amended by inserting after the word "Act" in the fourth line thereof the following words "or by any discharged soldier under a lease granted, or agreement entered into, pursuant to either of the Acts incorporated with this Act."

Powers of Land Board.

Powers of Land
Board.

Cf. Railways Stand-
ing Committee Act,
1912, s. 18.

7. In addition to and without prejudice to other powers vested in it, the Land Board shall, for the purpose of obtaining information to assist the Board in carrying out its powers, functions, and duties under the principal Act and this Act, have the following powers, that is to say:—

- (1) The members of the Land Board and each of them may by themselves, or by any person appointed by them for the purpose, enter upon and inspect any land, building, or place, and inspect any goods and other things, the entry upon or inspection of which appears to them or him to be requisite:
- (2) They may require, by summons under the hand of the Chairman, the attendance of all such persons as they think fit to call before them, and may require answers or returns to such inquiries as they think fit to make:
- (3) They may by notice in writing, signed as aforesaid, require and compel the production of any books, papers, or documents:
- (4) They may inspect any books, papers, and documents produced before them, and retain them for such reasonable periods as they think fit, and may make copies of such matters therein as are relevant, or take extracts of such matters:
- (5) They may examine witnesses on oath, affirmation, or declaration, which may be administered by any member of the Board.

Powers of Board in
respect of witnesses.

Cf. *ibid.*, s. 19.

8. (1) If any person—

- (a) who has been personally served with a summons to attend before the Board, and whose expenses, as provided in subsection (2) hereof, have been paid or tendered to him, neglects to attend in obedience to such summons: or
- (b) wilfully insults the Board, or any member thereof: or
- (c) misbehaves himself before the Board: or
- (d) interrupts the proceedings of the Board: or

(e) being

Discharged Soldiers Settlement Act Amendment Act.—1918.

- (e) being called or examined as a witness before the Board, refuses to be sworn, or to affirm or declare, or refuses or neglects to produce any books, papers, or documents mentioned in a notice under section 7 personally served upon him, or prevaricates in his evidence, or refuses to answer any lawful question,

such person shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding Fifty Pounds.

(2) Every person required by the Board under the powers conferred by this Act to attend before it shall be allowed such expenses as would be allowed to a witness attending on subpœna before the Supreme Court, and in case of dispute as to the amount to be allowed the same shall be referred to the Master of the Supreme Court, who, on request under the hand of the Chairman, shall ascertain and certify the proper amount of such expenses.

9. (1) Every person who has been duly summoned to attend before the Board shall appear and report himself from day to day unless excused by the Chairman, or until he is released from further attendance by the Chairman.

Duty of witness to continue in attendance.

Cf. Com. Royal Commissions Act, 1902-1912, s. 6A.

(2) If any person fails to so report himself he shall be deemed to have neglected to attend before the Board in obedience to his summons, and shall be punishable accordingly.

10. Any person who, upon oath, affirmation, or declaration taken or made under this Act, wilfully and corruptly gives any false evidence before the Board shall be guilty of perjury, and may be imprisoned, with or without hard labor, for any term not exceeding four years.

Punishment for false evidence.

R.S. Comm. Act, 1912, s. 20.

11. (1) No land shall be set apart or acquired under the principal Act or this Act except on the recommendation of the Land Board.

No land to be set apart or acquired except on recommendation of Land Board.

(2) Every such recommendation shall be concurred in by the Inspector of Lands in the Department of the Minister of Agriculture, and at least two other members of the Land Board.

12. (1) The Land Board, in fixing the purchase price or annual rent of any block allotted or to be allotted under agreement or lease under the principal Act, shall take into consideration the cost of any cool store, fruit-packing shed, shearing shed, or factory erected or purchased by the Minister for the use on co-operative principles of settlers under the principal Act and which is situated in the immediate neighborhood of such block and available for use by the purchaser or lessee thereof.

Apportionment of cost of co-operative undertakings for benefit of discharged soldiers.

(2) The Land Board shall apportion to every such block such portion of such cost as aforesaid as, in the opinion of the Land Board, ought properly to be borne by the owner or lessee of such block, and shall increase the purchase price or annual rent of such block accordingly.

13. For

Discharged Soldiers Settlement Act Amendment Act.—1918.

Inspector of Lands in Department of Agriculture to be additional member of Land Board for certain purposes,
Cf. 1178, 1914, s. 96.

13. For the purposes of the principal Act and of this Act, the Inspector of Lands in the Department of the Minister of Agriculture shall be an additional member of the Land Board and, for those purposes, shall have all the powers and duties of a member of the said Board.

Powers of Minister of Repatriation.

Minister of Repatriation may enter into contracts, etc.

14. The Minister of Repatriation and his successors in office incorporated by section 5 of the principal Act shall have full power to enter into contracts or agreements, to sue and be sued, to acquire, hold, and dispose of land of any tenure and personal property of any kind, and to acquire or take any mortgage, charge, lien, or encumbrance over land of any tenure or personal property.

Minister may purchase blocks for individual soldiers.

15. The Minister may, out of moneys provided by Parliament for the purpose, purchase land of any tenure, including land held under a Crown lease or agreement, with a view to the settlement thereon of a particular discharged soldier, and in such case—

- (a) the land so purchased may be vested in the Minister, who may enter into an agreement for the sale of such land to the discharged soldier for whom the same was purchased, upon such terms as the Minister thinks fit ; or
- (b) such land may be vested directly in such discharged soldier and a mortgage be taken by the Minister over the land to secure payment to the Minister of all sums of money paid by him for the purchase thereof, and other advances (if any) made to such discharged soldier, and remaining unpaid, and the provisions of subsection (3) of section 10 of the principal Act shall apply, *mutatis mutandis*, to a mortgage taken by the Minister under this section.

Minister may establish training farms.

16. (1) The Minister may--

- (a) provide and maintain training farms to enable discharged soldiers to acquire the knowledge requisite for agricultural, horticultural, viticultural, or dairying pursuits, pig-raising, or poultry-farming, and to test their aptitude therefor ; and
- (b) appoint the necessary officers and servants for the purpose, or make such arrangements with the owners of farms for carrying out the purposes aforesaid as are expedient.

(2) The terms and conditions on which discharged soldiers shall be received on such farms shall be such as the Minister may determine.

Miscellaneous Provisions.

Provision for control of co-operative factories, &c.

17. Every cool store, fruit-packing shed, shearing shed, or factory erected or purchased by the Minister for the use on co-operative principles of settlers under the principal Act shall be under the management and control of such persons as are appointed by the
settlers

Discharged Soldiers Settlement Act Amendment Act.—1918.

settlers for the time being entitled to use the same, or, in default of appointment by such settlers after a notice from the Minister requiring such appointment, as are appointed by the Minister.

18. (1) Notwithstanding anything contained in the principal Act, wherever a discharged soldier has applied for the allotment to him under that Act of a block on lease or agreement and the Minister has granted such application, a lease or agreement shall not be granted to the applicant until he has occupied the block on permit for a period of at least twelve months and has complied with the terms and conditions of the permit. Permit to occupy block.

(2) Every permit to occupy a block under this section shall be issued by the Minister in writing under his hand and may be revoked by the Minister if the holder thereof has, in the opinion of the Minister, neglected to work such block satisfactorily, or been guilty of serious misconduct during his occupation thereof, or if the Minister for any other reason considers that the permit ought to be revoked.

19. (1) Where it appears to the Governor that any land acquired under the principal Act is not suitable for or is not required for the settlement of discharged soldiers and is not required for any purpose of the Government of the State, or that it is desirable, in order to better effectuate the object of this Act, that he should exercise any of the powers conferred upon him by this section, he may— Power to dispose of surplus lands.
Cf. 1144, 1913,
s. 3.

- (a) sell such property, or any estate, right, or interest therein, either by public auction or private contract, or
- (b) exchange such property, or any estate, right, or interest therein, for any other land or property, or any estate, right, or interest therein, or
- (c) dispose in any other way of such property, or any estate, right, or interest therein, or
- (d) if such land is vested in the Minister, direct the Minister to sell, exchange, or dispose of such land as aforesaid, in which case the Minister may execute any and every assurance, deed, instrument, and writing, and do all such other acts and things as may be deemed necessary or expedient for such purpose,

for such price or other consideration as he deems sufficient, and upon such (if any) terms and conditions as he deems proper.

(2) For the purpose of carrying out any such transaction as mentioned in subsection (1) of this section, the Governor may execute any and every assurance, deed, instrument, and writing, and do all such other things as may be deemed necessary or expedient.

(3) The Minister's receipt shall be a sufficient discharge for any moneys to be paid in pursuance of any such transaction, and it shall

Discharged Soldiers Settlement Act Amendment Act.—1918.

shall not be necessary for the person paying any such moneys to inquire whether or not a proper case has arisen for the exercise of any power conferred by this Act.

(4) All moneys received by the Minister in pursuance of any such transaction shall be paid to the Treasurer to the credit of the Loan Account.

(5) Nothing in this section shall be deemed to derogate from any power vested in the Governor or any other person by the principal Act or any other Act, or otherwise howsoever.

(6) The Minister shall, not later than the thirtieth day of September in every year, present to the Governor a report stating—

(a) particulars of all properties (if any) with regard to which the Governor has, during the period ended on the preceding thirtieth day of June, exercised any of the powers conferred by this section;

(b) how such properties have been dealt with respectively under this section; and

(c) the price or other consideration, and the other terms or conditions (if any), in each case.

Every such report shall be laid before both Houses of Parliament within fourteen days after it is presented to the Governor if Parliament is in Session, and if not, then within fourteen days after the commencement of the next Session.

Procedure for Offences.

Summary proceedings
for offences.

20. All proceedings in respect of offences against this Act shall be disposed of summarily.

Appeal

21. There shall be an appeal in respect of proceedings in respect of offences against this Act.

Special case.

22. In the event of an appeal in respect of proceedings in respect of offences against this Act, a special case may be stated.

Validating Provision.

Validation and saving
of past proceedings.

23. Anything done since the passing of the principal Act shall be as valid as if that Act had been passed with the amendments made by this Act, and as if the other provisions of this Act had been incorporated in the principal Act on the passing thereof: Provided that nothing in this section or elsewhere in this Act shall render invalid anything done before the passing of this Act.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

H. L. GALWAY, Governor.